

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Julian Kiser,

Case No. 3:18 CV 2347

Petitioner,

ORDER AGAIN ADOPTING
REPORT AND RECOMMENDATION

-vs-

JUDGE JACK ZOUHARY

Warden Lyneal Wainwright,

Respondent.

On November 3, 2020, Magistrate Judge Kathleen Burke issued a Report and Recommendation (“R&R”), recommending this Court dismiss Kiser’s Petition (Doc. 10). After receiving no objection by the the fourteen-day deadline, this Court adopted the R&R on November 23 (Doc. 11). On December 1, this Court received Kiser’s request for an extension of time to file his objections (Doc. 13). It is dated November 16 (*id.* at 3), but was not mailed until November 19 (Doc. 13-1). This Court then gave Kiser until January 15, 2021 to file any objections, and granted a subsequent request for additional time. Kiser’s objections were due March 15, 2021 (Doc. 16).

No objection has been filed, meaning Kiser has waived review of the R&R. *See Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995). This Court again adopts the R&R (Doc. 10) in its entirety.

The Petition (Doc. 3) is dismissed. There is no basis upon which to issue a certificate of appealability. *See* 28 U.S.C. § 2253(c)(2). Further, an appeal from this Order could not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3).

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

March 22, 2021